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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,352	12/29/2000	Bruce E. McGarvey	257/262	9728

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GATEWAY, INC.  
ATTENTION: IP LAW GROUP (MAIL STOP SD-21)  
14303 GATEWAY PLACE  
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EXAMINER

RAHLL, JERRY T

ART UNIT PAPER NUMBER

2874

DATE MAILED: 08/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/753,352

Applicant(s)

MCGARVEY, BRUCE E.

Examiner

Jerry T Rahll

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-13, 17, 18 and 28-31 is/are allowed.
- 6) ☒ Claim(s) 1-8, 14, 15 and 22-26 is/are rejected.
- 7) ☒ Claim(s) 16, 19-21 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

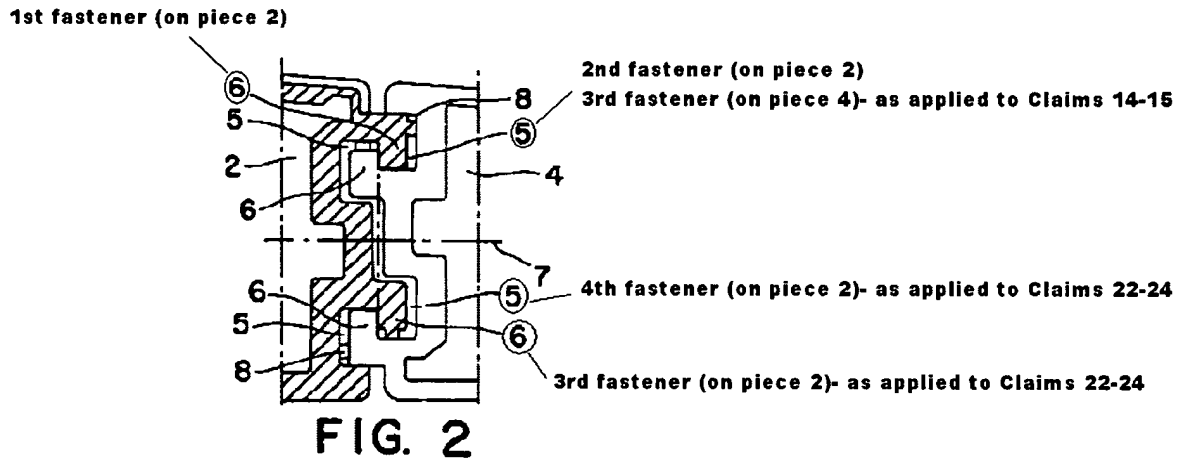
1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8, 14-15, 22-23 and 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,234,707 to Maier-Hunke.

3. Maier-Hunke describes a system for organizing one or more elongated objects having a reusable first fastener (6), adapted to extend along all of the length of a first elongated object (2) and capable of coupling the first elongated object to a second elongated object (4), and a second fastener (5), along all of the length of a first elongated object (2) and capable of coupling the first elongated object to a second elongated object (1), where the first fastener and second fastener have substantially complimentary shapes (see Figures 1-2, and Column 1-2 of Maier Hunke and Examiner's Figure, below).



Examiner's Figure

4. The first fastener is described as a male component, comprising a raised bead, integrated with the first elongated object.

5. The second fastener is described as a female component, comprising an indented channel, integrated with the first elongated object.

6. The labeling of the first and second fasteners is arbitrary and could be used to describe any of the multiple male and female components described by Maier-Hunke on piece 2.

Therefore, the first fastener could be considered a channel (5) and the second fastener could be considered a protrusion or bead (6).

7. Maier-Hunke further describes third fastener (5 – see Examiner's Figure), a female component, adapted to extend along the second elongated object (4) and capable of coupling the second elongated object to the first elongated object (2). The first and third fasteners are

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described as having complimentary shapes and are capable of mating together to couple the first and second elongated objects.

8. Maier-Hunke further describes a third fastener (6 – see Examiner's Figure) integrated with the first elongated object having similar shape to the first fastener.

9. Maier-Hunke further describes a fourth fastener (5 – see Examiner's Figure) integrated with the second elongated object having similar shape to the fourth fastener.

10. Maier-Hunke further describes the first elongated object having a transverse cross-section with a polygonal cross-section (rectangular – see Figure 1), with each of the fasteners located on a planar face of the first elongated object.

11. Maier-Hunke further describes the first and second fasteners integrated with the first elongated object as substantially opposite locations of the first elongated object.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maier-Hunke as applied to claim 23 above, and further in view of U.S. Patent No. 4,968,171 to Shell.

14. Maier-Hunke describes a system for organizing elongated objects as described above.

Maier-Hunke does not describe the first and third fasteners (having similar shape) at opposite locations on the first elongated object or the second and fourth fasteners (having similar shape) at opposite locations on the first elongated object. Shell describes a system for organizing

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elongated objects having first and third fasteners (17) (having similar shape) at opposite locations on the first elongated object and the second and fourth fasteners (18) (having similar shape) at opposite locations on a first elongated object (see Figure 3 and Columns 3-4). Maier-Hunke and Shell are analogous art because they are from the same field of endeavor of coupling elongated members. At the time of invention, it would have been obvious to one of ordinary skill in the art to use the fastener placement of Shell with the structures of Maier-Hunke. The motivation for doing so would have been to allow more flexibility in the fastening of the objects.

***Allowable Subject Matter***

15. Claims 9-13, 17-18 and 28-31 are allowed.
16. Claims 16, 19-21 and 27 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
17. Claims 9-13 and 28-31 describe the fasteners comprising a wrap or sheath to surround the first elongated object.
18. Claims 16-21 describe a converter adapted for attachment to the fasteners.
19. Claim 27 describes the first and second fasteners as having fingers formed thereon.
20. This is subject matter not described by the prior art of record.
21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry T Rahll whose telephone number is (703) 306-0031. The examiner can normally be reached on M-F (8:00-5:30), with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (703) 308-4819. The fax phone numbers for

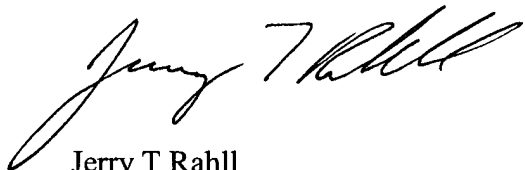
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the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Jerry T Rahll  
August 9, 2003



**AKM ENAYET ULLAH**  
**PRIMARY EXAMINER**